

Edward W. Swanson, SBN 159859
SWANSON, McNAMARA & HALLER LLP
300 Montgomery Street, Suite 1100
San Francisco, California 94104
Telephone: (415) 477-3800
Facsimile: (415) 477-9010

Attorney for DENNIS DIRICCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DENNIS DIRICCO,

Defendant.

Case No. CR 06-0504 WHA

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Date: March 27, 2007

Time: 2:00 p.m.

Court: Hon. William H. Alsup

STIPULATION

Defendant Dennis DiRicco, by and through his counsel, Edward W. Swanson, and the United States, by and through Assistant United States Attorney Robin Harris, hereby stipulate and agree as follows:

1) A trial setting hearing in this matter is currently scheduled for April 24, 2007 at 2:00 p.m. The matter was continued to this date because counsel were seeking information concerning the former IRS agent in charge of investigating Mr. DiRicco, who apparently attempted to obtain a loan from a key witness.

2) Assistant United States Attorney Robin Harris has been in contact with the AUSA in the Central District of California who conducted the investigation of the former agent. AUSA Harris has diligently attempted to obtain the documents created in connection with the investigation of the agent, but it appears the only way in which she can obtain the documents is through a formal *Henthorn* request.

1 That request has now been submitted, and AUSA Harris is awaiting a response.

2 3) The parties agree the nature of the information obtained and whether such information
3 proves relevant to this matter will have an effect on the scheduling of this case, including whether
4 further investigation or discovery litigation is required. To give the parties adequate time to receive this
5 new information, review it, and take any necessary further action, and to accommodate the schedules of
6 counsel and of the defendant, the parties stipulate that the hearing be continued an additional three
7 weeks until May 15, 2007 at 2:00 p.m.

8 4) In addition, Mr. DiRicco has been experiencing significant medical issues arising out of
9 the spinal fusion surgery that he underwent earlier this year, and that has impeded defense counsel's
10 ability to meet with Mr. DiRicco in connection with preparation of the case. He is also currently unable
11 to travel from his home in the San Jose area to San Francisco, although he expects to be able to do so
12 within the next several days.

13 4) The parties further stipulate that time be excluded until that date pursuant to 18 U.S.C.
14 section 3161(h)(8) to allow effective preparation of counsel, and that the ends of justice served by this
15 continuance outweigh the best interest of the public and the defendant in a speedy trial.
16

17 IT IS SO STIPULATED.

18 DATED: April 20, 2007

19 _____/s/
Edward W. Swanson
SWANSON, MCNAMARA & HALLER LLP
Counsel for Defendant DENNIS DIRICCO

21 DATED: April 23, 2007

22 _____/s/
Robin Harris
Assistant United States Attorney

24 \\\

25 \\\

26 \\\

27 \\\

ORDER

Pursuant to stipulation, it is HEREBY ORDERED that the trial setting hearing in the above-captioned matter currently scheduled for Tuesday, April 24, 2007 be continued until Tuesday, May 15, 2007 at 2:00 p.m. The Court finds that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial and therefore further ORDERS that time be excluded until May 15, 2007 pursuant to 18 U.S.C. section 3161(h)(8).

DATED: April 23, 2007

Hon. William Alsop
United States District Judge

